

DOCUMENT

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DOC #:

DATE FILED: 7-25-08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PAULINO GONZALES,

Plaintiff,

- against -

BARDOLINO'S RESTAURANT CORP.,
et. al.,

Defendants.
-----X

:
: 08 Civ. 3845 (VM)

: CONDITIONAL

: ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for plaintiff, on behalf of the parties, having notified the Court, by letter dated July 24, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity

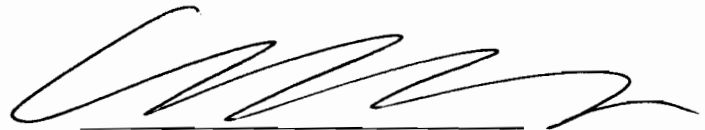
of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are cancelled.

The Clerk of Court is directed to withdraw any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
25 July 2008



VICTOR MARRERO
U.S.D.J.

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July 24, 2008

VIA FAX

Hon. Victor Marrero
United State Courthouse
Southern District of New York
500 Pearl Street, Suite 660
New York, NY 10007
(212) 805-6382.

Re: Gonzales v. Bardolino et. al.
Docket No. 08 cv 3845

Dear Judge Marrero,

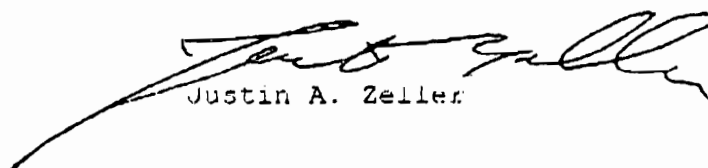
As per the Court's request, I write to update the Court on the progress of the above matter.

I am pleased to report that the parties have settled the matter and are now drafting the settlement papers.

I therefore request that the Court issue a thirty-day conditional Order of Dismissal.

I thank the Court for its time and consideration.

Respectfully submitted,


Justin A. Zeller